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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,567	08/22/2006	Anton Dukart	10191/4360	8576

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EXAMINER	
BEHNCKE, CHRISTINE M	
ART UNIT	PAPER NUMBER
3661	
MAIL DATE	DELIVERY MODE
09/29/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/590,567	DUKART ET AL.	
	Examiner	Art Unit	
	CHRISTINE BEHNCKE	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 May 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-14,16 and 17* is/are rejected.

7)☒ Claim(s) *15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to the amendment and remarks filed 5/24/ 2010, in which claims 8-17 were presented for examination.

Response to Arguments

Applicant's arguments with respect to claims 8-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 8-10, 13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizaki, US 2004/0002815, in view of Link, US 2005/0010346.

(Claim 8) Ishizaki describes a device for impact sensing for a vehicle, comprising: a first acceleration sensor mechanism situated on a bumper (at least one of sensors 2a or 2b, figure 3), wherein the first acceleration sensor mechanism is situated between a cross-member of the bumper and a fascia of the bumper (at least one of sensors 2a or 2b, situated between bumper 3 and cross member bumper 3A), and wherein the first acceleration sensor mechanism includes at least one acceleration sensor attached to the fascia of the bumper (figure 2 and [0031]). Ishizaki does not describe executing a function to evaluate data to differentiate between a collision with a pedestrian and a bad road condition. However, Link teaches a computer apparatus executing a function to evaluate data from a first acceleration sensor to differentiate between a collision with a pedestrian and bad road conditions which produce acceleration forces upon a chassis

of a vehicle ([0009], [0021]-[0023]). It would have been obvious to one of ordinary skill in the automotive control arts at the time of the invention to combine the teachings of Link with the invention of Ishizaki because as Link suggests, distinguishing between crash readings allows for the earliest triggering of safety devices and decreasing the potential of false-positive determinations.

(Claim 9) Ishizaki further describes wherein the first acceleration sensor mechanism includes two acceleration sensors (sensors 2a, 2b), each having an offset to a center of the vehicle (figure 1).

(Claim 10) Ishizaki further describes wherein the device further comprises at least one additional sensor mechanism situated on the bumper (sensor 202b, figure 6).

(Claim 13) Ishizaki further describes wherein the device is connected to a control apparatus for controlling equipment for protecting persons (ECU 7, [0001]) in such a way that the equipment for protecting persons is controlled as a function of a first signal of the first acceleration sensor mechanism (figure 7, signals from the sensors 202a, 202b, 202c) and a second signal, the second signal being one of an inherent speed or a relative speed (signal from sensor 204).

(Claim 16) Ishizaki further describes wherein the control apparatus includes a data evaluation unit connected to the first acceleration sensor mechanism, to an additional acceleration sensor that is located on a bumper cross member and configured to detect an imminent collision (the other of sensors 2a or 2b, [0009] and [0031]), and to a source of speed information ([0034]).

(Claim 17) Ishizaki further describes wherein the additional acceleration sensor includes an integrated capacitive sensor ([0028], [0032]).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizaki in view of Mattes, US 2002/0180596.

Ishizaki does not describe wherein the acceleration sensor if at least one of piezo cable and an environmental sensor mechanism. However, Mattes teaches an impact sensing device wherein acceleration sensors are situated on the bumper and at least one additional sensor mechanism is situated on the bumper (first sensor 3). Mattes further teaches the at least one additional sensor mechanism includes at least one of a piezo cable and an environmental sensor mechanism ([0015]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Mattes with the device of Ishizaki because as Mattes suggests, additional sensors would increase reliability of the detection and more sensitivity to the type of impact detected ([0015]).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizaki in view of Mattes, US 2002/0175499.

Ishizaki does not describe the acceleration sensors acquiring acceleration in a vertical direction. However, Mattes teaches an impact sensing device including an acceleration sensor, wherein the acceleration sensor is configured to acquire acceleration in a vertical direction of the subject wrapped in the sensing device ([0016]). It would have been very obvious to one of ordinary skill in the art at the time of the invention to use a two or three axis acceleration sensor to detect a plurality of accelerations being imposed on the subject, vehicle, monitored for an impact.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizaki in view of Aoki, US 2004/0011582.

Ishizaki does not describe wherein a second acceleration sensor mechanism is located centrally in the control apparatus. However Aoki teaches an impact sensing device wherein a plurality of acceleration sensors are located on a vehicle bumper and wherein a second acceleration sensor mechanism is situated centrally in the control apparatus (acceleration sensor 48). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Ishizaki with the teaching of Aoki because as Aoki suggests, the control device may use the central acceleration sensor as a comparison to determine occurrence of collision and also to test for sensor malfunction ([0080]-[0082]).

Allowable Subject Matter

Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINE BEHNCKE whose telephone number is (571) 272-8103. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMB

/Thomas G. Black/
Supervisory Patent Examiner, Art Unit 3661